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UNCLAS SECTION 01 OF 02 ISTANBUL 000386

SIPDIS

E.O. 12958: N/A

TAGS: PHUM TK

SUBJECT: PUSHING BACK ON CENSORSHIP: "ARARAT" AND FREEDOM OF THOUGHT

1. (U) Summary: Istanbul contacts claim the overall climate for free expression continues to improve. While the GOT continues to censor works dealing with the Kurdish issue and other sensitive topics, improvements in legislation have strengthened the underlying legal basis for freedom of expression. The film "Ararat," which runs headfirst into one of the most sensitive political issues in Turkey, the tragic massacres of Armenians in the Ottoman Empire during the early twentieth century, is not expected to face obstacles to its release in Turkey. These Istanbul contacts ascribe most problems with censorship not to specific government policies, but to narrow-minded bureaucrats who are stubbornly resistant to change. End Summary.

#### Freedom of Thought Movement

2. (U) Author and free speech activist Sanar Yurdatapan described the work of his Freedom of Thought movement, which began in 1995 as a signature campaign in support of renowned author Yasar Kemal, who was under investigation for a letter he had published in a national daily. Using a Turkish law that held writers and publishers equally responsible for their publications, Yurdatapan and over 1000 supporters "re-published" Kemal's letter, thereby forcing the prosecutors to open cases against all of them. The cases dragged on for years, eventually resulting in dismissals for the defendants. In the meantime, the movement replicated these tactics and began to publish regular compilations of writings and transcripts that had been subject to investigations and trials, using prominent names as "publishers" to publicize the cases and shame the system into acquitting the defendants. The movement continues to publish one or more pamphlets each year and supports the original defendants in their legal battles in the courts.

#### Film Review and Rating Commission

3. (U) Film directors, producers, and distributors generally fare somewhat better than their prose counterparts. Unlike publishers, however, film producers and distributors must submit films to the Review and Rating Commissions (RRC) for an age-based suitability rating and prior approval before they can distribute them to theaters. Legislative reforms in 1991 established a Lower RRC with 3 members (2 appointed by the industry, one by the state) and a Higher RRC with 7 members (4 appointed by the industry, 2 by the state, and one by the National Security Council). Only particularly controversial and sensitive cases are submitted to the Higher RRC. According to Bedahattin Cetin, President of Belge Film (a film distribution company specializing in foreign and artistic films) and Vice President of the National Film Platform (an industry coalition), only one film has been denied marketing approval since the RRCs were established. That film, "Big Man, Small Love," was subsequently granted approval by the courts (and won national accolades), although the director herself is still the subject of an ongoing court case.

#### "Ararat": No Problems Expected

4. (U) Cetin currently owns the distribution rights for "Ararat," the film written and directed by Atom Egoyan about the mass killing of Armenians that took place in 1915 in the waning days of the Ottoman Empire. Cetin told poloff that he expects a very limited demand for the film, perhaps no more than three screens. Although there were local press reports last year when the film first came to public attention that the then-National Security Council described it as the greatest threat to Turkey since "Midnight Express," Cetin assured poloff that he has not experienced, nor does he anticipate, any problems or obstacles in bringing the film to Turkey. "In fact, a government minister personally congratulated me on taking the initiative," Cetin said. Cetin did note that he planned to edit a particularly violent and shocking rape scene, but not for political reasons (Cetin claims that, upon hearing his concerns, the film's director admitted that the same scene had been edited for U.S. distribution). Cetin's primary concerns are about the timing of the film's release in relation to a possible war in Iraq.

#### Narrow-Minded Bureaucrats

15. (U) Both Yurdatapan and Cetin told poloff that the primary obstacles to freedom of expression are narrow-minded bureaucrats who are generally inclined to ignore legislative changes that protect the rights of writers, journalists, and film makers. Asked whether there might be a link between the level and type of harassment and which political parties are in government, both said they had not detected any such pattern. According to Yurdatapan, many, if not most, of the cases filed against writers and journalists are eventually dismissed in the courts. The cases and trials themselves, however, continue to be used as a form of harassment. As for films, despite having prior approval from the RRCs, Cetin admitted that local governors still have the authority to pull films from the theaters and send them to court if they believe they are subversive. The American film "Basic Instinct" and the Iranian-Kurdish film "A Time for Drunken Horses," for example, were pulled from theaters in separate provinces on the order of local governors (the former for its explicit sexuality, the latter for its portrayal of the Kurds). The courts overturned the bans in both cases and the increased publicity that resulted led to long and successful runs in the theaters.

#### Comment

16. (U) If the opening of "Ararat" goes as smoothly as Cetin predicts, it would indeed be a positive sign. However, to date, it remains unclear whether recent reforms will lead to a broad loosening of state censorship. The Publishers' Association of Turkey reports that, in 2002, the GOT opened cases against 67 books and leveled charges against 35 publishers and 48 writers; in 2001, the GOT took such action against 42 books, 23 publishers and 38 writers. The GOT continues to level charges of separatism against writers and publishers of works dealing with the Kurdish issue or using the word "Kurdistan."

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